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11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA**

13  
14 SECURITIES AND EXCHANGE  
COMMISSION,

15 Plaintiff,

16  
17 vs.

18 BRYAN B. LONG, CPA

19  
20 Defendant.

Case No. 18-CV-05973-KAW

~~[PROPOSED]~~ FINAL JUDGMENT AS  
TO DEFENDANT BRYAN B. LONG

1 The Securities and Exchange Commission having filed a Complaint and  
2 Defendant Bryan B. Long having entered a general appearance; consented to the  
3 Court's jurisdiction over Defendant and the subject matter of this action; consented to  
4 entry of this Final Judgment without admitting or denying the allegations of the  
5 Complaint (except as to jurisdiction and except as otherwise provided herein in  
6 paragraph IV); waived findings of fact and conclusions of law; and waived any right  
7 to appeal from this Final Judgment:

8 **I.**

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is  
10 permanently restrained and enjoined from violating, directly or indirectly, Section  
11 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. §  
12 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using  
13 any means or instrumentality of interstate commerce, or of the mails, or of any  
14 facility of any national securities exchange, in connection with the purchase or sale of  
15 any security:

- 16 (a) to employ any device, scheme, or artifice to defraud;  
17 (b) to make any untrue statement of a material fact or to omit to state a  
18 material fact necessary in order to make the statements made, in the light  
19 of the circumstances under which they were made, not misleading; or  
20 (c) to engage in any act, practice, or course of business which operates or  
21 would operate as a fraud or deceit upon any person.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
23 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
24 binds the following who receive actual notice of this Final Judgment by personal  
25 service or otherwise: (a) Defendant's officers, agents, servants, employees, and  
26 attorneys; and (b) other persons in active concert or participation with Defendant or  
27 with anyone described in (a).  
28

1 **II.**

2 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant  
 3 is liable for disgorgement of \$35,842.49, representing profits gained as a result of the  
 4 conduct alleged in the Complaint, together with prejudgment interest thereon in the  
 5 amount of \$636.66, and a civil penalty in the amount of \$35,842.49 pursuant to  
 6 Section 21A of the Exchange Act [15 U.S.C. § 78u-1]. Defendant shall satisfy this  
 7 obligation by paying \$72,321.64 to the Securities and Exchange Commission within  
 8 14 days after entry of this Final Judgment.

9 Defendant may transmit payment electronically to the Commission, which will  
 10 provide detailed ACH transfer/Fedwire instructions upon request. Payment may also  
 11 be made directly from a bank account via Pay.gov through the SEC website at  
 12 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified  
 13 check, bank cashier's check, or United States postal money order payable to the  
 14 Securities and Exchange Commission, which shall be delivered or mailed to

15 Enterprise Services Center  
 16 Accounts Receivable Branch  
 17 6500 South MacArthur Boulevard  
 Oklahoma City, OK 73169

18 and shall be accompanied by a letter identifying the case title, civil action number,  
 19 and name of this Court; Bryan B. Long as a defendant in this action; and specifying  
 20 that payment is made pursuant to this Final Judgment.

21 Defendant shall simultaneously transmit photocopies of evidence of payment  
 22 and case identifying information to the Commission's counsel in this action. By  
 23 making this payment, Defendant relinquishes all legal and equitable right, title, and  
 24 interest in such funds and no part of the funds shall be returned to Defendant. The  
 25 Commission shall send the funds paid pursuant to this Final Judgment to the United  
 26 States Treasury.

27 The Commission may enforce the Court's judgment for disgorgement and  
 28 prejudgment interest by moving for civil contempt (and/or through other collection

procedures authorized by law) at any time after 14 days following entry of this Final Judgment. Defendant shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

**III.**

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall comply with all of the undertakings and agreements set forth therein.

**IV.**

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. §523, the allegations in the complaint are true and admitted by Defendant, and further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under this Final Judgment or any other judgment, order, consent order, decree or settlement agreement entered in connection with this proceeding, is a debt for the violation Bryan B. Long of the federal securities laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. §523(a)(19).

**V.**

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

Dated: May 7, 2019

  
EDWARD M. CHEN  
United States District Judge